

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

OCT 30 2003

U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte BORRE BENGT ULRICHSEN,
CLAS FREDRIK MENDER, GEIR FOSS-PEDERSEN,
JON HENRIK TSCHUDI and ib-RUNE JOHANSEN,

Application No. 09/541,718
RA04-0062

ORDER RETURNING UNDOCKETED APPEAL TO EXAMINER

This application was received at the Board of Patent Appeals and Interferences on October 17, 2003. A review of the application has revealed that the application is not ready for docketing as an appeal. Accordingly, the application is herewith being returned to the examiner. The matters requiring attention prior to docketing are identified below:

On March 26, 2003, an Examiner's Answer was mailed (Paper No. 15). A review of the Examiner's Answer reveals that it does not comply with all the requirements of The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003) for the reason(s) set forth below.

Application No. 09/541,718

(1) The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003) states in part:

(A) REQUIREMENTS FOR EXAMINER'S ANSWER. The examiner's answer is required to include, under appropriate headings, in the order indicated, the following items:¹ (emphasis added).

(2) The MPEP § 1208 (8th ed., Rev. 1, 2003) also states in part:

... An appeal conference is mandatory in all cases in which an acceptable brief (MPEP § 1206) has been filed. . . .

... The participants of the appeal conference should include (1) the examiner charged with preparation of the examiner's answer, (2) a supervisory patent examiner (SPE), and (3) another examiner, known as a conferee, having sufficient experience to be of assistance in the consideration of the merits of the issues on appeal. . . .

... On the examiner's answer, below the primary examiner's signature, the word "Conferee" should be included, followed by the typed or printed names of the other two appeal conference participants. These two appeal conference participants must place their initials next to their name. This will make the record clear that an appeal conference has been held.

... If the examiner's answer does not contain the appropriate indication that an appeal conference has been held (i.e., including the names of the conferees and identifying themselves as the conferees along with their initials), the Board should return the application directly to the appropriate Technology Center (TC) Director for corrective action. (emphasis added).

This Examiner's Answer does not provide sufficient evidence that an appeals conference was conducted by the examiner.

¹ See (MPEP) § 1208 (8th ed., Rev. 1, 2003) for heading requirements.

Application No. 09/541,718

Accordingly, it is

ORDERED that the application is returned to the examiner

- (1) for the examiner to issue a supplemental Examiner's Answer
 - (a) using the appropriate headings as set forth in The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003),
 - (b) containing sufficient evidence that an appeal conference has been conducted as set forth in The Manual of Patent Examining Procedure (MPEP) § 1208 (8th ed., Rev. 1, 2003).
- (2) notification to appellants in writing that the appeal conference was held, and
- (3) for such further action as may be appropriate.

BOARD OF PATENT APPEALS
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